

FLOOR SPEECH
S.J. RES. 54: TERMINATING TRUMP DECLARATION OF NATIONAL EMERGENCY
September 24, 2019

We are at a crossroads. This body can continue to allow the President to subvert our constitutional authority to appropriate. Or we can take back our power of the purse and exercise it as the founders intended.

The issue before us is not partisan. It is constitutional.

If we don't put the Constitution above party, above politics – we might as well pack our bags and go home. The voters did not send us here to shirk our responsibilities.

History will not be kind to us if we allow the Executive to run roughshod over our constitutional authority.

For the second time, we have introduced a bipartisan resolution to terminate the President's national emergency declaration along our southern border. I thank Senators Collins and Shaheen for once again joining in this resolution, and affirming their commitment to the Constitution.

Our first vote on this resolution, in March, passed -- 59 to 41. We had strong bipartisan support because the President's emergency declaration is clearly an end-run around Congress.

We have the power to bring this resolution back every six months and I hope we add to our majority this time. Because what were once our fears about this so-called "emergency" in March have become a stark reality in September.

While I firmly oppose the President's approach on immigration – this vote is not about whether you oppose or support that approach.

In March, a Republican Senator wrote with conviction about the President's emergency declaration.

He wrote that "It is my responsibility to be a steward of the Article I branch, to preserve the separation of powers and to curb the kind of executive overreach that Congress has allowed to fester for the better part of the past century. I stood by that principle during the Obama administration, and I stand by it now."

We all have another opportunity to stand with the Constitution. And object to a President actively diverting billions in defense funding for a political purpose.

Congress – not the President -- was given the power of the purse -- to make sure taxpayer money was spent on projects with broad public support.

We have different views in Congress, but as a whole we have responded to the American people. And we have not appropriated all the funds the President has sought for his wall.

But -- instead of allowing Congress to decide on spending – which is what the Constitution envisions – the President caused the longest shutdown in American history to get his wall. That 35-day shutdown caused a lot of pain and anxiety for many federal workers and contractors and their families in New Mexico and across the nation.

When the shutdown didn't work, the President issued his emergency declaration.

If we allow this President to issue an emergency declaration to get funding for his wall, we are setting a dangerous precedent. A precedent that could be used by future presidents – on issues that my Republican colleagues surely wouldn't like.

The President is now taking \$3.6 billion dollars from 127 military construction projects that we have approved and funded. We all know the rigor with which these projects have been vetted, scrutinized, and approved.

According to the Pentagon, these projects are necessary for national security and for military readiness. Necessary to ensure the safety of our men and women in uniform -- and their children.

In other words – they're not projects simply designed to fulfill a campaign slogan.

Two projects in New Mexico are on the chopping block. Both are critical: an \$85 million dollar drone pilot training center at Holloman Air Force base to replace a facility that is falling apart and a \$40 million dollar secure information technology facility at White Sands Missile Range. Gone.

In Utah, the Air Force has sought a new control center at Hill Air Force Base to replace "structurally deficient" and "dilapidated" World War II-era warehouses for mission control.

In Louisiana, the Air National Guard sought to replace an aircraft parking ramp in a New Orleans facility that exposes the public to an "unacceptable risk" of being impacted by an explosive accident.

In Indiana, Army service members have worked in violation of safety standards for handling explosives and need additional space for munitions.

In Kentucky, the military seeks to repair "substandard," "deficient, inadequate, and undersized facilities" at a middle school at Fort Campbell that "impair[s] the overall education program" for the children of service members.

Back in March, we worried that this would happen. And now it's our reality. Our men and women in uniform – and their children – are paying for the wall. And if we do not stand up and stop it today—it will happen again and again.

This is unacceptable. And I believe it is unlawful and unconstitutional.

We here in the Senate have decided to fund these projects and others – in 23 states – instead of a border wall. And with good reason.

Some in Congress are calling for us to “backfill” the 127 projects and re-appropriate funds for them.

“Backfilling” does not solve the problem. It does not repair the constitutional violation. It only gives license to the President to continue to raid funds we already appropriated for military construction projects.

And unless we stop the emergency, the “backfilled” money is subject to being raided again. If your house is robbed, it is foolish to buy new valuables without putting a new lock on the door.

Canceling these 127 projects is not just a one-off. We all know the President fully intends to keep at it.

It's already been reported that -- if the President doesn't get the \$5 billion dollars he's requested for his wall in 2020 -- the administration plans to take another \$3.6 billion from the Pentagon's construction budget.

This President won't stop raiding funds we have appropriated unless we stop him and terminate his sham emergency declaration.

The careful planning for the 127 canceled projects contrasts sharply with the administration's haphazard rush to build the President's wall. The President wants 500 miles of wall before the 2020 election.

To do so, the administration may need to skirt the federal procurement process and aggressively take lands away from private landowners through eminent domain.

“Don't worry,” says the President to his staff. “I'll pardon you if you break any laws.”

This is no way to run a government. And certainly no way to spend taxpayer dollars.

I support strong border security. We need well-trained officers, mobile assets, surveillance technology, adequate resources.

But a multibillion dollar wall is wasteful, ineffective -- and offensive.

Now, I know some in this chamber disagree with that opinion.

The place to debate and decide how we spend taxpayer dollars to keep our border secure is in the Appropriations Committee, its various subcommittees, and on this floor. That's what the Constitution says.

James Madison wrote in *Federalist 84*, "An elective despotism was not the government we fought for; but one in which the powers of government should be so divided and balanced . . . that no one could transcend their legal limits without being effectively checked and restrained by the others."

It is time for this body to check and restrain the executive branch. The President is invading our constitutional prerogative. He is not a despot. His constitutional powers are limited. It is up to us to "support and defend the Constitution of the United States" as we swore an oath to do. And do the work we were elected to do.

I yield the floor.